

LOOKED UP WELL WHILE HER BABE WAS BORN.

Annie Dutcher Was Without Medical Attendance, and Within Twenty-four Hours She and the Child Were Dead.

WHY WAS NO DOCTOR CALLED?

It Was the Duty of Night Matron O'Brien, of the Blackwell's Island Penitentiary, to Send for One, and Her Failure to Do so May Be Investigated.

Annie Dutcher, a very pretty Russian girl, nineteen years old, with golden hair, clear complexion and blue eyes, was convicted of grand larceny in the Court of General Sessions on September 12 last, and the next day was sentenced to two years' imprisonment in the New York County Penitentiary on Blackwell's Island. When she entered the prison she said she was a single woman.

On Tuesday last Dr. S. H. Dunlop, of the Charity Hospital, signed a certificate that Annie Dutcher had died. He gave the direct cause as puerperal insanity.

That is all of her sad history that the records of the prison show.

The young woman could speak no language but Russian, and was put down in prison parlance as "a complainer." She was an inmate of the hospital most of the time and never could explain to the physicians what ailed her.

When he finally secured an interpreter, Dr. C. B. Fitzpatrick told me last night, Annie made disconnected statements that showed that her mind was wandering.

REMOVED FROM THE HOSPITAL.

Five days before her death she was an inmate of the hospital. But she cried and complained so much that she disturbed the other patients, and by order of House Surgeon L. L. Smith she was taken from the hospital and confined in her cell.

Then Dr. Smith went away for a few days' vacation and left his senior assistant, Dr. S. H. Dunlop, in charge with Dr. Fitzpatrick, the junior assistant.

On Monday night of last week Annie groaned a great deal, and was manifestly suffering intensely. She appealed to the night matron in her unknown tongue, and that person gave her medicine the doctors leave in the prison to be used in cases of stomach cramps. Then the matron sent another female prisoner to Annie's cell and went away.

At half-past five o'clock on Tuesday morning a heavy call was sent over to the Charity Hospital, only a few rods away, for Dr. Fitzpatrick. He arrived in fifteen minutes and was informed that sometime before the woman had given birth to a child, which had been taken up to the hospital.

He found the poor girl alone on her cot in the cell, with a dead white face and a cold, dead, staring eye. Motion had been left in charge by the night nurse, who had gone to the hospital with the child.

Dr. Fitzpatrick gave the necessary attention to Annie. He found her pulse strong, her temperature and respiration normal, and she did not complain of any pain. He had her transferred to the hospital, and after finding a physician to act as interpreter he concluded the girl was irrational. He could get no connected statement from her as to why she had been left alone, and about the child.

The child's respirations, Dr. Fitzpatrick told me last night, were very feeble, and dry heat was applied to stimulate them.

THE INFANT COULD NOT BREATHE.

It was placed in an incubator, treated with hot and cold baths, ice was applied to its diaphragm and chest, and it was kept in the incubator. None of them was of avail. The child died at half-past four in the afternoon of the day it was born.

Its mother lingered for a little over twenty-four hours, and then she died at half-past five o'clock.

Confined in the same box, mother and child were removed to the morgue, and the night matron, who had then been transferred to the morgue, was in custody in such cases, word was sent to the address which Annie gave when she was sent to the prison.

But the poor girl, who had been in the prison for two years, had no interest in the girl, and denied even that they knew her.

"Then, of course," Warden Pillsbury, told me last night, "the bodies were buried in the Potter's field."

"Or dissected," I suggested.

"Yes," he replied.

And Dr. Fitzpatrick, whether, in his opinion, if he had been summoned before the child was born, he could have saved the life of the mother.

He related in the negative, and said that Annie showed no signs of insanity, and symptoms of disease appeared to his worst stage.

Dr. Coughlin, who was in charge of the woman's prison hospital, and who, as Dr. Dunlop does not agree with Dr. Fitzpatrick and Dr. Smith.

Eight weeks ago Dr. Coughlin, with Dr. A. Rosen, that his assistant, made a careful examination of Annie, and found her in a state of health, and from which the young doctors, who are now on the female prison branch of the Charity Hospital service, say she was suffering.

SOMEONE CENSURABLE.

Dr. Coughlin further ventured the opinion that no inmate had been in Annie Dutcher's case, and that if one were, it was probable that somebody would be concerned for her death.

He understood that Annie had been confined in her cell for ten or twelve days before she died. He believed the result might not have been so serious had the night matron or whoever was in charge notified Dr. Fitzpatrick or Dr. Dunlop when it became known that their condition was critical.

Mrs. Margaret Madden, the night nurse in charge of the hospital of the woman's prison, told me that she was not summoned to Annie's cell until after the child was born.

When she was summoned, Mrs. Madden was present, and several other female prisoners were talking over the affair in the corridor.

"She couldn't have been much," Mrs. Madden volunteered, "because Mrs. O'Brien was sitting in the corridor not far away from her when she died. I saw her when she was taken out of the prison, and she was suffering from cramps. Then when she died the girl was getting worse, and she had summoned the night officer, who called the doctor."

I asked the Warden if Mrs. O'Brien reported that Dr. Fitzpatrick arrived before the child was born.

"No," he replied.

"So understood," I replied.

"I am not a physician," Warden Pillsbury said, "but I will begin a thorough investigation to-day into Matron O'Brien's conduct. He assured me that she, along with several other inmates, had been instructed to send to the Charity Hospital for a doctor whenever a prisoner asked for medical attendance."

BEN BUTLER'S VICTORY.

UNSUCCESSFUL ATTEMPT TO MAKE HIM PAY NEARLY \$70,000 FOR THE MORA GRANT.

Ehad N. Darling, of this city, has lost his suit against General Benjamin F. Butler to compel him to pay nearly \$70,000 for a thousand acres of land in New Mexico, known as the "Mora grant."

Judge Wallace in the United States Circuit Court yesterday sustained the demurrer interposed by Mr. Butler. The case, aside from the amount involved, is interesting as deciding under what circumstances a man can acquire the legal title yet not the equitable title to land.

The deed was delivered by Mr. Darling to General Butler at Washington, D. C., on December 12, 1883, conveying an undivided interest for \$25,000. The consideration was \$25,000, and the deed was not to be subject to any other interest than the S. B. Kline and T. B. Catron's interest in the land.

The complaint in March, 1884, agreed to take \$75,000 for his interest. In 1885, on General Butler's representations that Kline and Catron had agreed to take \$70,000 for their interest, he agreed to the same sum. He received only \$10,000, although General Butler unconditionally agreed to take the deed executed on January 15, 1885.

Judge Wallace says that by the delivery of the deed and its acceptance General Butler acquired the legal title to the land, even though it was apparent that he and Mr. Darling did not at the time intend it. Only General Butler could divest himself of it by a reconveyance. Although

he acquired the legal title he did not acquire the equitable title, which still remains with Mr. Darling. The reconveyance which was sought to be enforced was void by the statute of frauds. It is, however, still executory on the part of both parties. Mr. Darling can still resort to a court of equity and upon enforcing back what he received compel General Butler to reconvey.

PERRIN SUMNER WANTED.

THE IDENTIFIER OF CORPSES FAILS TO KEEP AN ENGAGEMENT WITH THE CORONER.

Perrin H. Sumner is in peril of punishment for contempt of court. His contempt is of an aggravated type. He called upon Coroner Levy on Monday at the time set for a further investigation of the suicide of "Fred Evans, of England," at the Astor House a week ago. The Coroner instructed him to come back yesterday, when the hearing would be resumed. Perrin said he would. When his examination was ended yesterday Coroner Levy called on him. Perrin H. Sumner, in his London, England, name, was advised by Ambrose H. Purdy announced that he had advised Perrin not to come. Coroner Levy issued an attachment for his person.

ARTIE, THE FREE LANCE.

Artie Sumner came toward the witness chair apparently full of joy. Like the little oysters in Wonderland his face was washed, his coat brushed, his shoes were clean and neat.

He swore to tell the truth and hopped into the witness chair, blushing like Aurora. Lawyer Purdy objected to his being questioned, but the questioning went on. He said he lived at No. 330 West Twenty-first street.

"What is your occupation?" asked Lawyer Hummel.

"I am a journalist," said Artie, with the cutest little lip.

"To what paper are you attached?" asked Abe Hummel.

"None; I am a free lance in journalism," responded Artie.

"Please tell me all you know about the death of the man called Evans in the Astor House."

"By advice of counsel, I decline to answer."

To that question Artie repeated "I decline to answer," in a timely, defiant way. Mr. Hummel moved that Artie be discharged, and Coroner Levy asked "Do you know what he is contending for?"

"I am a free lance in journalism," said Artie, with the cutest little lip.

"What was your acquaintance with George H. Edgar?" asked Mr. Hummel.

"I don't know," said Artie. "I heard Mr. Edgar when my father introduced him to me. I saw him only a few times."

"Did you see him after the Yonkers mystery?"

"Yes; I saw him on Broadway a few months ago and bowed to him. He bowed to me. That was all."

On motion of Mr. Hummel Artie was discharged from his self-imposed detention. Perrin has not been "attached" yet by the Coroner's officers.

Free Extracts from "LIGHT OF THE WORLD."

by SIR EDWIN ARNOLD.

will be published in the HERALD.

NEXT SUNDAY.

by arrangement with FUNK & WAGNALLS.

BAKER ROESER'S LUCK.

GUILTY OF ASSAULT IN THE THIRD DEGREE FOR KILLING YOUNG ROAN.

The verdict which the jury rendered yesterday afternoon, of "guilty of assault in the third degree," in the case of Jacob Roeser, the Ninth avenue baker, who killed young William Roan by striking him on the head with a stick on June 28 last, was a complete vindication of the law.

It was remembered that Roeser was under indictment for manslaughter in the first degree in trying to stop a quarrel between some boys and a sandwich man in front of his baker shop at No. 110 Ninth avenue. Roeser was arrested, and run in the street, and a crowd of boys followed him. He took outside, and struck young Roan, who happened to be passing on the head. His skull was broken, and then he was taken to the hospital.

It was declared that Roan had nothing to do with the disturbance. The prisoner, however, swore that Roan had once threatened to get him out of the house, and that he had been about to strike at him with a knife in his hands.

The jury were out over an hour, and returned with a verdict of guilty of assault in the third degree.

Roeser was sentenced at once to one year imprisonment and to pay a fine of \$250.

Judge in sentencing him declared that while he was not a bad man, he was a bad man, and that he was completely surprised by the verdict in this case.

The judge declared that violence in this city was not to be tolerated, and that a man who took the law into his own hands and an innocent man was killed he ought to be punished for it.

The mother of the murdered young man was present when the verdict was announced. She cried aloud to the judge that a great injustice had been done to her boy, and had to be taken from the court room crying bitterly.

JUROR O'CONNELL IN A FUR.

RESULT OF THE CLOSE AND UNWHOLESOME AIR OF THE JURY ROOM.

William O'Connell, a liquor dealer, at Twentieth street and Eighth avenue, while looked up with eleven other jurors in a dingy, close and ill-ventilated jury room in the County Court House, last evening, fell in an epileptic fit. In falling he struck his face on the edge of a heavy table cutting it badly.

The jury were deliberating upon their verdict in the case of Henry Miller against the Steinway and Hunter's Point Railway Company, which was tried yesterday afternoon in the County Court.

The room, as is the case with all the jury rooms, is small, and the twelve men to be located without daylight and without any ventilation, with the window and door closed.

Shortly after five o'clock a groan was heard in the room and a heavy fall. When the Court officers opened the door they found Juror O'Connell lying on the floor, bleeding profusely from two wounds on the face. Dr. G. D. Farwell of No. 22 City Hall place, was called and attended the juror, dressed the wound and then allowing him to go home in a cab on the car of Court Officer McGinnis.

The air in the room was foul and thick with tobacco smoke, and the doctor said that the fit was probably brought on by the close condition of the room.

The other jurors were allowed to go to their homes and were ordered to report in court to-day. The juror who reached a verdict with O'Connell was stricken.

GOODSELL FINED AND REDUCED.

At a meeting of the Police Board yesterday the case against Roudsman Goodsell, of the Grand Central Depot, who was recently tried for being found asleep by Inspector Williams while on duty in the station house, was considered. There was some disposition to dismiss Goodsell from the force, but his previous excellent record was taken into consideration, and he was fined \$100 and reduced to the ranks. This sentence is doubly severe on Goodsell, as he was very shortly to have been retired on full pay.

The bill which is to be presented in the Legislature making all policemen who served on the force during the draft riots liable to the same standing as veterans was discussed by the Commissioners. They disapproved it unanimously.

Inspector Byrnes appeared before the Board and recommended that the right post of the steamboat squad be abolished and the work now done by the steamboat men be performed by the precincts that cover the river front. To increase the efficiency of the force along the river front, the Board adopted all the suggestions and voted to put them into effect on February 20.

The bill which was introduced by the Board before the Legislature giving power to the Bureau of Elections to destroy all old ballots.

TO THE EDITOR OF THE HERALD.

I read in your issue of to-day the letter from a reader in reference to a plush manufacturer starting a mill in the United States.

First—He or his machinery has not arrived yet.

Second—if he does come he brings with him his own capital, and the Government has no right to consider his representations that Kline and Catron had agreed to take \$70,000 for their interest, he agreed to the same sum.

Third—General Butler unconditionally agreed to take the deed executed on January 15, 1885.

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ALL THE STORIES AT HER FATHER'S TRIAL.

While a Church Jury Were Hearing Charges of Immorality Against the Old Deacon She Pluckily Kept Keyhole Listeners Away.

TRAMPING BEFORE THE DOOR.

Deposed Dominie Chew Lay Flat on the Floor with His Ear Fixed to the Crack, but Got up to Avoid Being Walked On.

[BY TELEGRAPH TO THE HERALD.]

KEYPORT, N. J., Feb. 10, 1891.—Deacon John W. Tice, one of the oldest and most respected members of the Jacksonville (N. J.) Methodist Church, was tried and acquitted upon charges of immoral conduct, before a church jury at the local Methodist church to-day.

It was thought that the church, being just outside the heart of the town, was well situated for a church trial at which it desired to have few if any spectators.

But the people came—came in crowds, typical old farmers and their wives and stately old women eager to hear in public the unvarnished stories given in evidence which they had rolled over their tongues with paralyzing unctious at the gossip "socials," and "when Mr. Brown met Mr. Jones callin' at Miss Smith's."

Pastor Samuel E. Post opened the doors and let the crowd into the lecture room of the church. Then he took the jury and the other pastors into a classroom, where upon consultation it was decided to hold the hearing behind closed doors and admit but one witness at a time.

SCANDAL MONGERS DISAPPOINTED.

The audience of curiosity seekers and gossip mongers were grievously disappointed. Tongues buzzed angrily, and finally the excluded people sent in a request that the jury rescind its decision, as they had come, many of them, miles to attend the trial. The jury ignored the request.

The trial opened with Deacon Tice present. He is seventy years old and has earned a reputation as a lay preacher. He came accompanied by his wife, Mrs. Mary Tice, and a daughter, Miss Eliza Ann Souden. The charges he had to meet were preferred by Mrs. John Wood and Miss Place, both members of the Jacksonville Methodist Church, and had heard many stories circulated concerning the deacon and were in a high state of virtuous indignation.

For scandal mongers the trial came with Miss Souden's was based on what Jonathan Culver, now of South Amboy and formerly of Jacksonville, claims to have seen. Mr. Culver, who is fully as reliable as a witness, told the jury that he saw the deacon and a woman, who he pushed through the crowd, with grim determination in his face and snapping eyes, the crowd saw the door close behind him with a look of bad luck.

They rushed, one and all, for the doors and windows of the class room. A row of ears were turned to the cracks of the doors and eyes peered in at the windows. There was no little crowding for good purposes.

The charges were read to Mr. Culver and he told his story, which was that he saw the deacon and Miss Eliza Ann Souden together in a wood near Jacksonville one June afternoon in 1879, and that they were much embarrassed when he came up.

Deacon Tice's story was that he saw the deacon and a woman, who he pushed through the crowd, with grim determination in his face and snapping eyes, the crowd saw the door close behind him with a look of bad luck.

They recovered from their surprise, whispered together and a white-haired old man came out from the knot of disturbed people. He told her that he had seen the deacon and a woman, who he pushed through the crowd, with grim determination in his face and snapping eyes, the crowd saw the door close behind him with a look of bad luck.

The plucky girl looked at him with a look of "I should think that a man of your age," she said, "should be ashamed to stoop so low as to listen to a woman's story."

The old man took his seat, and the young woman took her seat, and the trial proceeded.

Robert Chew, lately pastor of the Jacksonville Methodist Church, but now of New York, testified that he saw the deacon and a woman, who he pushed through the crowd, with grim determination in his face and snapping eyes, the crowd saw the door close behind him with a look of bad luck.

On her return she was about to walk on him when he expostulated, and after a few angry words the plucky girl came off victorious again.

When she was called as a witness she testified that she saw the deacon and a woman, who he pushed through the crowd, with grim determination in his face and snapping eyes, the crowd saw the door close behind him with a look of bad luck.

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FOUR LITTLE PEARL BECKMAN.

TESTIMONY SHOWING HOW SHOCKINGLY SHE WAS MALTREATED BY HER BLACK FATHER.

The inquest in the case of Little Pearl Beckman, the seven-year-old colored child who, it is alleged, was beaten to death by her father and a white woman with whom he lived in Union township, N. J., was begun at Durning's Morgue, Elizabeth, N. J., last night.

Dr. Younglove, Dr. Miller, Oliver Banks and J. Lewis testified to the facts of the story as published in yesterday's HERALD.

Jennie Wiley, Beckman's white paramour, admitted that she was not married to Beckman, but denied beating the child. She said it was sickly and subject to convulsions, and that Beckman sometimes punished it with a light strap.

Mrs. Mary Little and her daughter, sister and niece respectively of Beckman, swore that when he took the child to their house in Newark in July it was fat and healthy.

The most important witness was Mrs. Mary Lewis, who lived next door to the couple. She swore that every day in the child's life since July, and told graphically how the little one was frequently inhumanly abused by its father and Jennie Wiley.

On one occasion Mrs. Lewis saw the Wiley woman beat Pearl up and down the yard with a coil of heavy rope, and she heard the child cry out in pain.

Witness also saw Beckman beat the child on the head in a brutal manner with the buckle end of a heavy strap.

I rode back to Elizabeth in a horse car with the prisoners and the Lewis family. Beckman yelled at the police and the Lewis family language when he got out of this scrape he would turn them inside out.

OPTUM SMOKERS IN COURT.

THREE WOMEN AND SEVEN MEN CAPTURED IN A RAID ARE HELD FOR TRIAL.

The men and women captured by Detectives Hayes, Kemp and Breit, of the West Thirtieth street station, in the raid on the opium joint at No. 138 West Thirtieth street were arraigned in the Jefferson Market Police Court yesterday morning.

There were seven men and three women, who gave their names as follows—Harry Sydam, a pale, yellow young man, proprietor of the place; George Williams, 324 West Thirtieth street; Samuel Parker, of No. 210 West Thirtieth street; Harry Miller, of No. 29 Morton street; Thomas Smith, of No. 30 West Thirtieth street; John Fidler, of No. 116 West Twenty-ninth street, and Henry Williams, of No. 1,000 Tenth avenue.

Police officers captured half a pound of opium and five pipes, with the regular paraphernalia, which were also produced in court as evidence.

The place has been in operation before and it was raided by the police in the past. A number of men and women were arrested, and several of them, including Sydam, were sentenced to several months in jail. So, when released, immediately reopened the place.

TRUCKS IN LEATIE'S WAY.

According to the statistics of the Street Cleaning Department there are seventeen thousand carts and other vehicles nightly upon the public streets, and that these obstructions of the public thoroughfares retard the work of the department in cleaning the streets.

This information the Commissioner forwarded yesterday to Mayor Grant's Advisory Board for their consideration, stating that the number mentioned are on streets below Fifty-ninth street. Some of the streets, the Commissioner declares, are so taken up with trucks that the sweeping and cleaning of the streets is a difficult task.

The Commissioner also wrote to the Chief of the Bureau of Engraving asking if something could be done to make the street sweeper more efficient.

Many of the owners of such trucks, the Commissioner writes, are non-residents, and certainly have no right to store their vehicles in the public thoroughfares.

Commissioner Beale also calls attention to the fact that his department is authorized only to remove ashes and garbage, and therefore will not carry away refuse from cellars, factories, etc. Material from the latter places are put on the streets and scattered about to the annoyance of adjoining residents.

ROBBED BY NEW MADE FRIENDS.

Peter McMahon, of Dubbs Ferry, arrived in this city on Monday night for a good time. That meant getting drunk, and while staggering along Broadway street he was accosted at the corner of Macdougal street by George Davis, of No. 2, Gansevoort street, and another man. They led McMahon into an alley at No. 176 Thompson street.

There, McMahon was seized, and when he reached the entrance he heard McMahon yell, "Murder!" and rushed in. The latter was lying on the ground, with his head bleeding, and his arms and legs evidently enjoying the scene. Armstrong seized Davis and the other man escaped.

McMahon was taken to the hospital, and the former claimed to have lost \$25. Davis was arraigned in the Tombs Police Court yesterday and held for trial.

LAWYER TOWNSEND'S ESTATE.

A dispute has arisen with reference to the probate of the will of John Townsend, Jr., the lawyer, whose mysterious death in New Jersey, after the Talladega, on December 5 last, caused such a sensation. The lawyer's will was prepared on November 27 last, just about a week before his death. It was witnessed by John J. Alt and Thomas McLaughlin.

By the will Mr. Townsend appoints his brother-in-law, Reuben W. Hovey, executor. He gives \$10,000 to his sister, Caroline Eliza Wilson, provides that all his pictures, works of art, books and other personal effects be sold, and the proceeds thereof to be divided among his children, and that the residue of the estate shall be distributed under the laws of this State.

Frances Bellow Townsend, who lives at Alken, N. J., and Captain William C. Bellow, who lives at the residence of the latter, are the children of the deceased. The will was executed in accordance with the laws of this State. She is the widow of Leander W. Townsend, a brother of the testator.

CAPTAIN LEO'S APPEAL.

Judge Andrews, of the Supreme Court, in denying the application of Captain Leo for a writ of certiorari to review the action of Governor Hill in disbanding Company I, of the Twenty-second regiment, granted permission to the counsel to make their application to the General Term of the Court.

The question was presented to the appellate branch of the Court yesterday. Major Asa Bird, Jr., and Captain William C. Bellow, who were counsel for Captain Leo, and Attorney General Tabor and Judge Advocate General Jones representing the Governor. Judges Van Brunt, Daniels and O'Brien were present.

Substantially the same arguments were made as those presented to Judge Andrews upon the original application. The counsel for Captain Leo argued that the Governor's action as commander-in-chief of the State was discretionary and could not be reviewed.

It was stated that in one hundred years there had been but two writs of this character that he knew of. One was issued to Governor Robinson, who returned it with the declaration that it could not be granted, and the other was to Governor Hoffman, with the same result.

The Court reserved its decision.

RHEIT MUST FACE TWO CHARGES.

William B. Rheit, recently arrested on a charge of abducting Jersey City newsgirls, will now be compelled to stand trial on two separate charges, one of abduction and another of assault. He was arraigned in the Tombs Police Court yesterday and held under \$5,000 bonds for trial.

He was arraigned on the charge of abduction, and yesterday Polly Morris, another newsgirl, charged him with assault. Rheit waived examination.

BAIL OFFERED FOR M'GONAGAL.

Old Dr. Henry G. McConagall, who killed pretty Annie Goodwin, the